

ADMINISTRATIVE AGENDA

January 27, 2010

Chief Justice Update

Approval of the Minutes

July 15, 2009 (ADMs)
September 2, 2009 (ADMs)
October 8, 2009 (ADMs)

Public Hearing Items

1. 2005-13 **Subject:** Proposal to Establish and Require Compliance with Court Collections Program and Reporting Requirements.
Issue: *Whether to adopt the proposed administrative order to require courts to adopt a local collections plan, and submit collections data to SCAO.*
Status: Awaiting conference consideration following public hearing.

2. 2008-09 **Subject:** Proposed Amendment of Rules 3.210 and 3.211 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendments of MCR 3.210 and MCR 3.211 to clarify and simplify the procedures courts use to grant judgments in domestic relations cases.*
Status: Awaiting conference consideration following public hearing.

3. 2008-21 **Subject:** Proposed Amendment of Rule 3.932 of the Michigan Court Rules.
Issue: *Whether to adopt one of two alternatives, or take some other action. Alternative A would eliminate the consent calendar provisions of MCR 3.932. Alternative B would require a prosecutor's consent to the use of the consent calendar and would prohibit the court from placing a case for an assaultive crime as defined in the Juvenile Diversion Act on the consent calendar.*
Status: Awaiting conference consideration following public hearing.

4. 2008-38 **Subject:** Proposed Amendment of Rule 6.201 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendment of MCR 6.201 to require prosecutors to provide to each defendant any electronic recording evidence made by governmental agencies until the time for all appeals has expired. Under this amendment, failure to preserve evidence would entitle the defendant to a jury instruction that jurors may presume any evidence not produced was adverse to the prosecution.*
Status: Awaiting conference consideration following public hearing.
5. 2008-39 **Subject:** Proposed Amendments of Rules 6.425 and 6.610 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendments of MCR 6.425 and MCR 6.610 to increase the time within which a court is required to provide copies of the presentence report to the prosecutor, the defendant's lawyer, or the defendant if not represented by a lawyer, to two business days before the day of sentencing. If the report is not made available at least two days before sentencing, the defendant's lawyer, or the defendant, if not represented by a lawyer, would be entitled to adjournment to prepare necessary corrections, additions, or deletions to present to the court. The amendments would prohibit the inclusion of specific information in the report about the victim or witness.*
Status: Awaiting conference consideration following public hearing.
6. 2008-43 **Subject:** Proposed Amendments of Rules 3.800, 3.802, 3.901, 3.903, 3.920, 3.921, 3.931, 3.935, 3.961, 3.963, 3.965, 3.974, 3.975, 3.976, 3.977, 3.980, 5.125, 5.402, and 5.404 and Proposed New Rules 3.002, 3.807, 3.905, 3.967, and 5.109 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendments and new rules that incorporate specific provisions of the Indian Child Welfare Act into the relevant rules that relate to adoptions, guardianships, child protective proceedings, and juvenile status offenses.*
Status: Awaiting conference consideration following public hearing.

7. 2009-07 **Subject:** Proposed Amendment of Rules 7.105, 7.204, 7.205, and 7.302 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendments to create a prison mailbox rule, which would allow a claim of appeal or application for leave to appeal to be deemed filed when a prison inmate acting pro se places the legal documents in the prison's outgoing mail. The proposed rule would apply to appeals from administrative agencies, appeals from circuit court, and appeals from decisions of the Court of Appeals.*
Status: Awaiting conference consideration following public hearing.
8. 2009-11 **Subject:** Proposed Amendment of Rule 6.302 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendment of MCR 6.302 to require all discussions regarding a defendant's plea agreement to occur in open and on the record.*
Status: Awaiting conference consideration following public hearing.
9. 2009-14 **Subject:** Proposed Amendment of Rules 7.101 and 7.105 of the Michigan Court Rules.
Issue: *Whether to adopt the proposed amendments of Rules 7.101 and 7.105 of the Michigan Court Rules to limit the page length to 50 pages for briefs filed in cases that involve an appeal from district court or an appeal of a decision by a state administrative agency, board, or commission, similar to the page-length restriction for briefs filed in the Court of Appeals.*
Status: Awaiting conference consideration following public hearing.
10. 2009-26 **Subject:** Proposed Amendments of Rules 5.105, 5.125, 5.201, 5.501, 5.801, and 5.802 of the Michigan Court Rules and Proposed Adoption of New Rule 5.208 of the Michigan Court Rules (to Replace Rules 5.306 and 5.503)
Issue: *Whether to preliminarily adopt these amendments that were proposed largely as a result of the enactment of the Michigan Trust Code. The comment period will continue until April 1, 2010.*
Status: Awaiting conference consideration following public hearing.

Appointments

11. 2010-01 **Subject:** Appointment of Chief Judge in Arenac County Probate Court
Issue: *Whether to appoint the Honorable Richard E. Vollbach, Jr., as chief judge of Arenac County Probate Court to fill the vacancy that was created when Chief Judge Jack Scully resigned for a term that became effective 12/22/09 and will expire 12/31/11.*
Status: Awaiting conference consideration.

Items Previously Discussed

12. 2006-38 **Subject:** Proposed Amendments of Subchapter 9.100 *et seq.* of the Michigan Court Rules.
Issue: *Whether to approve for publication the next five proposed rule amendments (MCR 9.107-9.111) as submitted by the State Bar of Michigan and the Attorney Grievance Commission.*
Status: At conference on 12/10/09, the Court agreed to consider the proposal in smaller pieces (the first five proposed amendments were considered 12/10/09, the second group of five is to be considered at the January conference, etc.).
13. 2009-04 **Subject:** Judicial Disqualification
Issue: *Consideration of language to be inserted in (D)(1) regarding timing of filing motions to disqualify.*
Status: Passed from 12/10/09.
14. 2009-04 **Subject:** Judicial Disqualification.
Issue: *Consideration of amendments proposed by Justice Young.*
Status: Passed from 12/10/09 by Justice Cavanagh.
15. 2009-04 **Subject:** Judicial Disqualification.
Issue: *Discuss the procedure and the rights and responsibilities of a justice who is the object of a disqualification motion.*
Status: Awaiting conference consideration.
16. 2009-04 **Subject:** Judicial Disqualification.

Issue: *Reconsideration of recently adopted amendments of MCR 2.003.*

Status: Awaiting conference consideration.

17. 2009-25

Subject: Proposed Amendment of Rule 8.120(D)(1) of the Michigan Court Rules.

Issue: *Whether to publish for comment a proposed amendment of Rule 8.120(D)(1) of the Michigan Court Rules that would allow a law student or recent law graduate to appear on behalf of an indigent person in the Court of Appeals and the Supreme Court.*

Status: Passed from 12/10/09.

18. 2009-12

Subject: Rules Regarding Open Administrative Conferences.

Issue: *Whether to adopt a rule to require that a justice seeking reconsideration of a vote must first obtain consent by a member of the prevailing vote group.*

Status: Awaiting conference consideration.